

By: Campbell

S.B. No. 1844

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the administration of and eligibility for participation  
3 in a veterans treatment court program and the issuance of orders of  
4 nondisclosure for certain participants who successfully complete  
5 that program.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section [124.001](#), Government Code, is amended by  
8 amending Subsection (b) and adding Subsections (c) and (d) to read  
9 as follows:

10 (b) If a defendant who was arrested for or charged with, but  
11 not convicted of or placed on deferred adjudication community  
12 supervision for, an offense successfully completes a veterans  
13 treatment court program, after notice to the attorney representing  
14 the state and a hearing in the veterans treatment court at which  
15 that court determines that a dismissal is in the best interest of  
16 justice, the court in which the criminal case is pending shall  
17 dismiss the case against the defendant.

18 (c) Regardless of whether the defendant is later convicted  
19 of or placed on deferred adjudication community supervision for the  
20 offense for which the defendant entered the veterans treatment  
21 court program, if a defendant described by Subsection (b)  
22 successfully completes a veterans treatment court program and the  
23 case is not dismissed under that subsection, after notice to the  
24 state and a hearing on whether the defendant is otherwise entitled

1 to the petition and whether issuance of the order is in the best  
2 interest of justice, the court shall enter an order of  
3 nondisclosure of criminal history record information under  
4 Subchapter E-1, Chapter 411, with respect to all records and files  
5 related to the defendant's arrest for the offense for which the  
6 defendant entered the program if the defendant:

7           (1) has not been previously convicted of an offense  
8 listed in Article 42A.054(a), Code of Criminal Procedure, or a  
9 sexually violent offense, as defined by Article 62.001, Code of  
10 Criminal Procedure; and

11           (2) is not convicted for any felony offense between  
12 the date on which the defendant successfully completed the program  
13 and the second anniversary of that date.

14           (d) A defendant who successfully completes a veterans  
15 treatment court program as a result of receiving a conviction or  
16 deferred adjudication community supervision for an offense is  
17 entitled to petition for an order of nondisclosure of criminal  
18 history record information as described by Subsection (c), except  
19 that a defendant is not entitled to petition the court for an order  
20 of nondisclosure if the defendant's entry into the veterans  
21 treatment court program arose as the result of a conviction for an  
22 offense involving the operation of a motor vehicle while  
23 intoxicated.

24           SECTION 2. Sections 124.002(a) and (c), Government Code,  
25 are amended to read as follows:

26           (a) The commissioners court of a county may establish a  
27 veterans treatment court program for persons arrested for, ~~[or]~~

1 charged with, convicted of, or placed on deferred adjudication  
2 community supervision for any misdemeanor or felony offense. A  
3 defendant is eligible to participate in a veterans treatment court  
4 program established under this chapter only if the attorney  
5 representing the state consents to the defendant's participation in  
6 the program and if the court in which the criminal case is pending  
7 or in which the defendant was convicted or placed on deferred  
8 adjudication community supervision, as applicable, finds that the  
9 defendant is a veteran or current member of the United States armed  
10 forces, including a member of the reserves, national guard, or  
11 state guard, who:

12 (1) suffers from a brain injury, mental illness, or  
13 mental disorder, including post-traumatic stress disorder, or was a  
14 victim of military sexual trauma if the injury, illness, disorder,  
15 or trauma [that]:

16 (A) occurred during or resulted from the  
17 defendant's military service; and

18 (B) affected the defendant's criminal conduct at  
19 issue in the case; or

20 (2) is a defendant whose participation in a veterans  
21 treatment court program, considering the circumstances of the  
22 defendant's conduct, personal and social background, and criminal  
23 history, is likely to achieve the objective of ensuring public  
24 safety through rehabilitation of the veteran in the manner provided  
25 by Section 1.02(1), Penal Code.

26 (c) Proof of matters described by Subsection (a) may be  
27 submitted to the applicable criminal court [~~in which the criminal~~

1 ~~case is pending]~~ in any form the court determines to be appropriate,  
2 including military service and medical records, previous  
3 determinations of a disability by a veteran's organization or by  
4 the United States Department of Veterans Affairs, testimony or  
5 affidavits of other veterans or service members, and prior  
6 determinations of eligibility for benefits by any state or county  
7 veterans office. The court's findings must accompany any docketed  
8 case.

9 SECTION 3. Section 124.003(a), Government Code, is amended  
10 to read as follows:

11 (a) A veterans treatment court program established under  
12 this chapter must:

13 (1) if there has not yet been a disposition in the  
14 criminal case, ensure that a defendant eligible for participation  
15 in the program is provided legal counsel before volunteering to  
16 proceed through the program and while participating in the program;

17 (2) allow a participant arrested for or charged with  
18 an offense to withdraw from the program at any time before a trial  
19 on the merits has been initiated;

20 (3) provide a participant with a court-ordered  
21 individualized treatment plan indicating the services that will be  
22 provided to the participant; and

23 (4) ensure that the jurisdiction of the veterans  
24 treatment court continues for a period of not less than six months  
25 but does not continue beyond the period of community supervision  
26 for the offense charged.

27 SECTION 4. The change in law made by this Act by adding

1 Sections 124.001(c) and (d), Government Code, and amending Section  
2 124.002, Government Code, applies to a person who, on or after the  
3 effective date of this Act, enters a veterans treatment court  
4 program under Chapter 124, Government Code, regardless of whether  
5 the person committed the offense for which the person enters the  
6 program before, on, or after the effective date of this Act.

7 SECTION 5. This Act takes effect September 1, 2017.